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EXAMINER

LEE, PHILIP C

ART UNIT PAPER NUMBER

2154

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,120

Applicant(s)

SWEATT ET AL.

Examiner

Philip C Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 and 42-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-41 and 52-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/1/01, 1/15/02, 1/7/02, 6/10/02
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 12/17/04
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 13-41 and 52-54 are presented for examination.
2. Claim 22 is objected to because of the following informalities: Spacing of the claim in line 1. Appropriate correction is required.

Election/Restrictions

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-12 and 42-51, Group I, drawn to a method for simulating operation of a media device, classified in class 703, subclass 4.
 - II. Claims 13-41 and 52-54, Group II, drawn to a method of remotely operating media device, classified in class 709, subclass 217.
4. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as simulation of a media device; this is a patentable distinct feature not found in invention II. See MPEP § 806.05(d).
5. Because these inventions are distinct for the reasons given above and search for Groups I is not required for Group II, restriction for examination purposes as indicated is

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proper.

6. During a telephone conversation with Julian Santos on 11/24/04 a provisional election was made with traverse to prosecute the invention of group II, claims 13-41 and 52-54. Affirmation of this election must be made by applicants in replying to this office action. Claims 1-12 and 42-51 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections – 35 USC 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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9. Claims 13-14, 22, 25-26 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Venkatraman et al, U.S. Patent 5,956,487 (hereinafter Venkatraman).

10. As per claims 13 and 52, Venkatraman taught the invention of operating a media device through a web-hosted application (col. 2, lines 13-21), comprising:

accessing a first server to launch the web-hosted application, the web-hosted application being capable of communicating with the media device to extract data therefrom (col. 3, lines 13-21);

receiving one or more integrated presentations formed by the web-hosted application and sent by the first server in response to accessing the first server, each of the integrated presentations including the data extracted to replicate a corresponding interface of the media device (col. 3, lines 27-42);

selecting portions of the interface to initiate one of more commands to operate the media device (col. 3, lines 21-26, 36-40; col. 5, lines 36-40); and

transmitting the commands to the web-hosted application via the first server (col. 3, lines 21-26).

11. As per claim 14, Venkatraman taught the invention as claimed in claim 13 above.

Venkatraman further taught comprising:

the web-hosted application transmitting the commands received to the media device for operating the media device (col. 3, lines 17-26).

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12. As per claim 22, Venkatraman taught the invention as claimed in claim 13 above. Venkatraman further taught wherein accessing the first server comprises sending an http request over the Internet to the first server (col. 7, lines 40-42).

13. As per claim 25, Venkatraman taught the invention as claimed in claim 13 above. Venkatraman further taught wherein the data is extracted periodically (col. 6, lines 6-7).

14. As per claim 26, Venkatraman taught the invention as claimed in claim 13 above. Venkatraman further taught wherein the data is extracted on-the-fly (col. 6, lines 13-14).

Claim Rejections – 35 USC 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 17, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman in view of “Official Notice”.

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17. As per claim 17, Venkatraman taught the invention as claimed in claim 13 above. Although Venkatraman taught wherein one of the commands (e.g. sending a HTTP GET command by selecting an URL) causes the first server to access a second server (col. 3, lines 43-50), however, Venkatraman did not teach the web-hosted application running on the second server. "Official Notice" is taken for the concept of a web-hosted application running on a second server is known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include the web-hosted application running on the second server because by doing so it would allow a user to remotely access a web hosted application on a second server via a first server.

18. As per claim 23, Venkatraman taught the invention as claimed in claim 13 above. Although Venkatraman taught wherein the media device is a digital video recorder (col. 4, lines 29-30), however, Venkatraman did not specifically teach selecting from a group consisting of a personal digital assistant, a mobile telephone, and a pager. "Official Notice" is taken that the limitations narrowed by these claims are consider obvious. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different media devices because by doing so it would increase the field of use in their system.

19. As per claim 24, Venkatraman taught the invention as claimed in claim 13 above. Venkatraman did not specifically teach wherein the interface is selected from a group of interfaces consisting of a login interface, a Channel Guide, a Replay Guide, Replay Shows, Replay Channels, Find Shows, and Manual Record. "Official Notice" is taken

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that the limitations narrowed by these claims are consider obvious. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different interfaces to operate different media devices as a matter of design choice.

20. Claims 15-16, 18-20, 27-35, 37, 39-41, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman in view of Paroz, U.S. Patent 6,587,125 (hereinafter Paroz).

21. As per claims 15 and 16, Venkatraman taught the invention as claimed in claim 13 above. Venkatraman did not specifically detailing object interfaces for operating the media device. Paroz taught a similar system wherein the web-hosted application instantiates a plurality of objects for encapsulating functions associated with operating the media device, wherein the objects comprises programmable interfaces for operating the media device (col. 9, lines 12-20; col. 10, lines 17-21).

22. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of objects interfaces would increase the flexibility in Venkatraman's system by allowing a user to write programs for interfacing for the operation of different devices.

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23. As per claim 18, Venkatraman taught the invention as claimed in claim 13 above. Venkatraman did not teach the method of transferring in XML format. Paroz taught wherein the integrated presentation is transferred in XML format (col. 10, lines 46-49).

24. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of transferring in XML format would increase the field of use in their system.

25. As per claims 19 and 20, Venkatraman taught the invention as claimed in claim 13 above. Venkatraman did not teach forming the integrated presentations with additional data received by the web-hosted application from one or more sources of data. Paroz taught wherein the integrated presentations are formed by combining the data extracted with additional data received by the web-hosted application from databases and online services (col. 9, line 45-col. 10, line 7).

26. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of forming integrated presentation with additional data from database and online services would increase the efficiency of Venkatraman's system by allowing faster generation of integrated presentation using stored configuration data in the databases.

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27. As per claims 27 and 53, Venkatraman taught the invention substantially as claimed for remotely controlling of at least one media device, comprising:

- maintaining data extracted from the media device (col. 3, lines 13-21);
- transferring the integrated presentation to a network computing system for display on a client in response to receiving an instruction from the client (col. 3, lines 27-42);
- receiving a command from the client in response to portions of the integrated presentation being selected, the command representing an operation to be performed on the media device (col. 3, lines 21-26, 36-40; col. 5, lines 36-42);
- and
- sending the command to the media device to perform the operation on the media device (col. 3, lines 17-26).

28. Venkatraman did not teach pre-existing information and updating the local representation with the command. Paroz taught a similar system comprising:

- maintaining a local representation of pre-existing information and data extracted from a plurality of data sources (col. 9, lines 13-21);
- forming an integrated presentation by combining the pre-existing information with the data extracted (col. 9, line 45-col. 10, line 7); and
- updating the local representation with the command (col. 8, lines 24-50).

29. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because

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Paroz's teaching of local representation of pre-existing information would increase the efficiency of Venkatraman's system by allowing faster generation of integrated presentation using stored configuration data in the databases.

30. As per claim 28, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman further taught wherein the network computing system comprises at least one web server communicatively coupled to a network (col. 2, lines 27-30), the web server receiving and forwarding the integrated presentation to the client over the network (col. 3, lines 34-42).

31. As per claim 29, Venkatraman and Paroz taught the invention substantially as claimed in claim 28 above. Venkatraman further taught wherein the network comprises the Internet (col. 2, lines 27-30).

32. As per claim 30, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Paroz further taught wherein the data sources are selected from a group consisting of databases and online websites (col. 9, line 45-col. 10, line 7).

33. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of forming integrated presentation with data sources selected from a group of databases and online websites would increase the efficiency of Venkatraman's

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system by allowing faster generation of integrated presentation using stored configuration data in the databases.

34. As per claim 31, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman further taught wherein the integrated presentation comprises a virtual representation of a user interface associated with the media device (col. 3, lines 27-42).

35. As per claim 32, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Paroz further taught wherein maintaining the local representation comprises storing the pre-existing information and the data on a database (col. 9, lines 13-21).

36. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of local representation of pre-existing information would increase the efficiency of Venkatraman's system by allowing faster generation of integrated presentation using stored configuration data in the databases.

37. As per claims 33 and 34, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Paroz further taught comprising

instantiating a plurality of objects for encapsulating functions associated with the operation of the media device, wherein the objects comprise programmable interfaces for invoking the operation on the media device (col. 9, lines 12-20; col. 10, lines 17-21).

38. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of objects interfaces would increase the flexibility in Venkatraman's system by allowing a user to write programs for interfacing for the operation of different devices.

39. As per claim 35, Venkatraman and Paroz taught the invention substantially as claimed in claim 33 above. Paroz further taught the process of transferring in XML format (col. 10, lines 46-49).

40. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of transferring in XML format would increase the field of use in their system.

41. As per claim 37, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman further taught wherein the media device comprises a digital video recorder (col. 4, lines 29-30).

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42. As per claim 39, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman further taught wherein the client comprises a browser (col. 5, lines 65-66).

43. As per claim 40, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman further taught wherein the local representation is maintained on a periodic basis (col. 6, lines 6-7).

44. As per claim 41, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman further taught wherein the local representation is maintained on-the-fly (col. 6, lines 13-14).

45. As per claim 54, Venkatraman taught the invention as claimed for providing control input to a media-based device through a web hosted application (col. 2, lines 13-21), comprising:

- accessing a first server from at least one client browser (col. 5, lines 65-66), the
- first server executing the web hosted application (col. 3, lines 13-21);
- the web hosted application displaying on the browser user interface information received from the media-based device (col. 3, lines 27-42); and
- the first server sending the user instruction to the web hosted application database for transferring to the media-based device (col. 3, lines 21-26).

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46. Venkatraman did not teach the accessing a database for archival and receiving instruction to change the user interface information. Paroz taught a similar invention comprising:

the web hosted application accessing a database (col. 9, line 60-col. 10, line 11); receiving a user instruction to change the user interface information (col. 8, line 51-col. 9, line 2); and sending the user instruction to the web hosted application database for archival (col. 9, lines 13-21).

47. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Paroz because Paroz's teaching of the web hosted application accessing a database would increase the efficiency of Venkatraman's system by allowing faster generation of integrated presentation by accessing configuration data in the databases.

48. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Paroz in view of "Official Notice".

49. As per claim 38, Venkatraman and Paroz taught the invention substantially as claimed in claim 27 above. Venkatraman and Paroz did not specifically teach wherein the interface is selected from a group of interfaces consisting of a login interface, a Channel Guide, a Replay Guide, Replay Shows, Replay Channels, Find Shows, and Manual Record. "Official Notice" is taken that the limitations narrowed by these claims

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are consider obvious. . It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different interfaces to operate different media devices as a matter of design choice.

50. Claims 21 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Paroz in view of Gordon et al, U.S. Patent Application Publication 2003/0217360 (hereinafter Gordon).

51. As per claims 21 and 36, Venkatraman and Paroz taught the invention substantially as claimed in claims 19 and 27 above. Venkatraman and Paroz did not teach broadcast programming guides. Gordon taught wherein the sources of data comprise broadcast programming guides in an electronic format (page 4, paragraph 50-52).

52. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman, Paroz and Gordon because Gordon's teaching of broadcast programming guide would increase the functionality of Venkatraman's and Paroz's systems by providing preview context based on user selection of program title (page 1, paragraph 12).

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CONCLUSION

53. A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.



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